

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA

v.

ROBERT DONATH,

DEFENDANT

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No. 1:07-CR-74-DBH-07

ORDER ON MOTION TO APPOINT COUNSEL AND REDUCE SENTENCE

On September 19, 2011, the Clerk's Office docketed a letter from the defendant Robert Donath inquiring whether he was eligible for a sentence reduction in light of the new and retroactive crack cocaine guidelines and recounting his inability to reach his lawyer. Def. Letter Requesting Reduction in Sentence (Docket Item 1142). A Procedural Order followed, delaying consideration until November 1, 2011, the effective date of the Guideline amendments.

I have now reviewed the sentence previously imposed. Although the defendant Donath was charged with conspiracies that included cocaine, cocaine base and oxycodone, his actual sentence was calculated solely upon the quantities of powder cocaine for which he was responsible. Crack cocaine played no role in his sentence. As a result, the new more lenient crack cocaine guidelines do not help him. Treating his letter as a motion for appointment of counsel and/or reduction of sentence, I **DENY** the motion.

SO ORDERED.

DATED THIS 3RD DAY OF NOVEMBER, 2011

/s/D. Brock Hornby

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE